IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

THURSDAY, THE 6TH SEPTEMBER 2007 / 15TH BHADRA 1929

WP(C).No. 26606 of 2007(P)

AGAINST THE ORDER DATED / / IN EP.16/07 IN
RCOP.1/2002 of MUN-MAGI COURT, PARAVOOR
.....

PETITIONER:

STELLA SOMAN,W/O. SANTHOSH, CHAKKI HOUSE
MUNDAYIL, VARKALA, THIRUVANANTHAPURAM.

BY ADV. SRI.R.ANILKUMAR

RESPONDENTS:
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1. SANTHAKUMARI,W/O. SARATHCHANDRA BABU
PUTHEN VEDU, KOONAYIL, PARAVUR, KOLLAM.

2. SARATHCHANDRA BABU
S/O. PARAMESWARA PILLAI,
PUTHEN VEDU, KOONAYIL, PARAVUR, KOLLAM.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 06/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BALAKRISHNAN NAIR & T.R.RAMACHANDRAN NAIR, JJ.

Writ Petition (C) No.26606 of 2007-P

Judgment

Balakrishnan Nair, J.

The petitioner was the respondent in RC(OP) No.1/02. The said RC(OP) was allowed on 24.11.2003, ordering eviction of the petitioner. She filed RCA No.13/04 before the District Court, Kollam. The appeal was also dismissed. Later, the landlord filed Execution Petition No.16/07. Now, in the EP, an order has been passed on 04.09.2007, directing the petitioner herein who is the tenant/judgment debtor, to vacate the premises. The petitioner submits, the said order has been passed without considering the objection filed by her in the EP. It is also submitted that she has submitted an application for getting a certified copy of that order, but so far it has not been furnished to her. So, this Writ Petition is filed, seeking the following reliefs :

> *"(a) to issue appropriate direction or order commanding the Munsiff's Court, Paravur to stay all execution proceedings in EP No.16/07 in RC(OP)No.1/2002 till the issue of the certified copy of the order of eviction is issued to the petitioner and also direct*

to pass a speaking order considering Ext.P2 reply, granting sufficient time to the petitioner to vacate the premises.

(b) to issue such other direction or order to set aside the order of eviction in EP No.16/2007 in RC(OP) No.1/02 now pending before the Munsiff's Court, Paravur holding that order of eviction is unsustainable, illegal and is against the principle of natural justice and fair play."

We are sure that if the petitioner has applied for a certified copy, the same will be issued by the court without delay. We cannot interfere with the order passed in the E.P., directing eviction because it is an order within jurisdiction. This Court can interfere with an order under Article 227 of the Constitution of India, if only it is shown to be an order outside the jurisdiction of the court concerned. In the result, the Writ Petition fails and it is dismissed.

K.BALAKRISHNAN NAIR,JUDGE

06.09.2007 **T.R.RAMACHANDRAN NAIR, JUDGE**

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